

ALBERT YALE, et al.,
Plaintiffs,
vs.
COMMUNITYONE BANK, N.A.,
Defendant.

Defendant CommunityOne Bank, N.A. (“CommunityOne”), by and through counsel, pursuant to Rule 37(d)(1)(A)(i) of the Federal Rules of Civil Procedure, respectfully submits this Motion for Sanctions against Plaintiff CCR Data Systems (“CCR Data”) and its counsel for failure to appear for CCR Data’s duly noticed deposition on November 28, 2017 in Manchester, New Hampshire after CommunityOne’s counsel had made the trip to depose CCR Data. The grounds for this Motion are more fully set forth in the accompanying brief and attachments.

Pursuant to Rule 37(d)(1)(B), the undersigned counsel hereby certify that they in good faith attempted to confer with Plaintiffs' counsel in an effort to resolve this matter without court action, but Plaintiffs' counsel refused to respond or confer.

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North Carolina for CCR's deposition prior to January 19, 2018, an award of costs in the amount set forth in the Affidavit of T. Richmond McPherson, which represents some of the time and expenses incurred by CommunityOne for its counsel to travel to and attend the deposition of CCR Data and prepare this Motion and such other relief as the Court deems just and proper.

Respectfully submitted, this 13th day of December, 2017.

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CERTIFICATE OF SERVICE

I hereby certify that I served a copy of the foregoing **MOTION FOR SANCTIONS** by ECF filing and electronic mail, to the following:

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Attorneys for Plaintiffs

This the 13th day of December, 2017.

/s/ H. Landis Wade, Jr.
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